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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,131	12/09/2003	Darko Pervan	033462-037	3197

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EXAMINER

KATCHEVES, BASIL S

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/730,131

Applicant(s)

PERVAN, DARKO

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-20 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-20 and 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/8/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant has added new claims 33-38 in the paper dated 4/8/05. Pending claims 1-3,5-20 and 25-38 are examined below.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-3,5-20 and 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,763,643 to Martensson.

Regarding claims 1 and 15, Martensson discloses a rectangular floorboard (fig. 6) with integrated connectors (fig. 8: 2) with a vertical plane between upper edge connections (fig. 8: vertical edge of 3). Martensson also is capable of being locked together by angling the boards together from a generally vertical position. Martensson discloses the basic claim structure of the instant application but does not disclose specific long and short edge dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claims 2, 19, and 30, Martensson discloses the boards as being capable of inward locking (fig. 8: see point 22 and groove 21).

Regarding claim 3, Martensson discloses the boards as being capable of releasing upward angling, as in lifting one edge to free the opposite edge from its connection.

Regarding claims 5 and 31, Martensson discloses the use of a thermosetting resins for board surface layers (column 2, lines 10-11).

Regarding claim 6, Martensson discloses the surface layer as having a wood veneer (fig. 5: 1).

Regarding claims 7, 16, and 33-38, Martensson discloses the connector as being a separate part, integrated when installed, (fig. 8: 10) which projects beyond the edge and connects with the core portion (fig. 8: 5) of the board. The connector extending from all sides to create a flooring (fig. 6).

Regarding claims 8, 20, Martensson discloses a long edge having a projection (fig. 8: 22) and a short opposing edge having a groove (fig. 8: 21).

Regarding claims 9, 18, Martensson discloses the board as having a decorative wood pattern (fig. 6: 1). Martensson discloses the basic claim structure of the instant application but does not disclose specific length dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 10, Martensson discloses a patterned floor made from the floorboards (fig. 5).

Regarding claims 11, 13, Martensson discloses two short sides connected together (fig. 6).

Regarding claim 12, Martensson discloses two boards connected by their short sides (fig. 6) as being mutually displaced.

Regarding claim 14, Martensson discloses a long edge of a block (fig. 6, see long side) coinciding with a union of two short edges (fig. 6: see short side joint intermediate with long edge), the short side edges being perpendicular to the long side edge. Also, Martensson discloses placing the boards in an order to create a square form (fig. 5).

Regarding claim 17, Martensson discloses the surface layer as being a laminate (fig. 8: 3). However, Martensson discloses the basic claim structure of the instant application but does not disclose specific surface layer dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claims 25 and 27, Martensson discloses a floor made from locked rectangular floorboards (fig. 6) capable of being locked by inward angling (fig. 8: 21, 22) and by laterally sliding panels along joining a mirrored connector 10, the boards, when connected together, create a vertical plane between upper edges (fig. 8: vertical edge of 3 & fig. 2b: 2). Martensson also discloses the boards as connected long side to short side and short side to short side (fig. 6: see T shaped intersection of corners).

Regarding claim 26, Martensson discloses the basic claim structure of the instant application but does not disclose specific dimensions of the floorboards. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 28, Martensson discloses the boards as capable of being joined by inward angling (fig. 8: 21, 22).

Regarding claim 29, claim 29 is rejected for reasons cited in the rejection of claim 1. In addition, Martensson discloses the boards as capable of being joined long side to long side, short side to short side, and long side to short side (fig. 6 and fig. 2b: 4 & 10).

Regarding claim 30 Martensson discloses the boards as

Regarding claim 32, Martensson discloses a flooring system having a plurality of rectangular boards (fig. 6), with integrated connectors that when joined together, their upper edges are on a vertical plane joined together (fig. 2c: 2), the floorboards are capable of connecting in a horizontal direction and a vertical direction with mirror board edge images (fig 2c). However, Martensson does not disclose specific dimensions of the sides. Martensson discloses the basic claim structure of the instant application. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

### ***Response to Arguments***

Applicant's arguments filed 4/8/05 have been fully considered but they are not persuasive. Applicant argues the criticality rejection and claims the application, page 11, lines 21-27 show criticality for such specified dimensions. However, page 11, lines 21-27 are directed toward production costs of various sized panels. This is obvious information, known in the art. There is no critical reason for such dimensions. Applicant claims the prior art is not capable of being secured in a horizontal and vertical manner. However, the prior art clearly shows a connector which prevents vertical and horizontal

movement, as claimed. Otherwise, the floor panel of Martensson would not be stable. Applicant should note that the limitations of claim 1 are functional with no structure involved. The prior art meets the structural claim limitations, as claimed. As claim limitations are further defined through the following claims, attention is directed toward the components disclosed by Martensson which meet the structural limitations of the applications claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

  
Basil Katcheves

6/15/05

Primary Examiner, AU 3635